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 7 CONTRA COSTA COUNTY

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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

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13 C. ROBERT PETTIT, M.D.,

14 Plaintiff,

15 v.

16 CONTRA COSTA MEDICAL SERVICES  
 17 REGIONAL MEDICAL CENTER and  
 18 DOES ONE THROUGH TWENTY,  
 Inclusive,

19 Defendants.

No. C 07 3358 JSW

DECLARATION OF DR. RAMON  
 BERGUER IN SUPPORT OF  
 DEFENDANT'S MOTION FOR SUMMARY  
 JUDGMENT OR PARTIAL SUMMARY  
 JUDGMENT

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20 I, Ramon Berguer, do hereby declare:

21 1. I am over the age of eighteen and a resident of the State of California. I know of the  
 22 matters set forth herein of my own personal knowledge, and if called upon to testify could and  
 23 would competently testify thereto.

24 2. I have been a medical doctor since 1985. I have been board certified in Surgery  
 25 since 1992. I have worked as a medical doctor with Contra Costa County since 1999. I have  
 26 worked in the Health Service Department the entire time, in Surgery. Since 2004, I have  
 27 served as the Chief of Surgery, and I have overseen the ENT unit during that time.

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DECLARATION OF DR. RAMON BERGUER IN SUPPORT OF DEFENDANT'S MOTION  
 FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY JUDGMENT  
 C 07 3358 JSW

1       3. In November 2006, I discussed with Dr. Pettit my investigation that suggested that  
2 his practice style was not one that fit with the County's needs, and that there were numerous  
3 complaints about Dr. Pettit, including those detailed in the declaration of Dr. Jeff Smith. Dr.  
4 Pettit and I had a lengthy discussion. Dr. Pettit asked for an opportunity to rebut the  
5 Department of Surgery's position, which I invited him to do. Shortly thereafter, I received a  
6 letter from Dr. Pettit, which reiterated some of the complaints he had about Dr. Keating, but  
7 which did nothing to respond to the concerns the County had about Dr. Pettit's functioning as  
8 an ENT for the County.

9       4. On January 8, 2007, Dr. Pettit contacted me by phone for the first time since our  
10 November 29, 2007 meeting, about the "status" of the planned termination of his contract. I  
11 was surprised to receive this inquiry from him, since I believed the paperwork had already  
12 been circulated for termination, and the notice had already been sent to Dr. Pettit. On January  
13 8, 2007, I confirmed both in the phone conversation and by letter to Dr. Pettit that the County  
14 had indeed decided to terminate the contract.

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DATED: JULY 17, 2008

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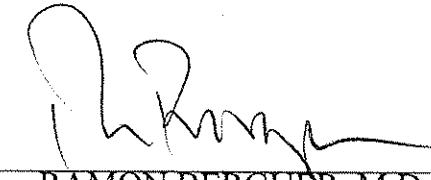
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RAMON BERGUER, M.D.